



16-22-03

Docket No: AM100320
Patent
Index

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Annmarie L. Sabb et al.
Application No.: 10/016,331 Group Art No.: 1624
Filed: November 2, 2001 Examiner: B. Coleman
For: Cyclopenta[b][1,4]Diazepino[6,7,1-hi]Indoles and Derivatives
Confirmation No.: 6477
Customer Number: 25291

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

1. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

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I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU947815745US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

December 19, 2003
Date

Paula L. Dickey
Paula L. Dickey

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2. Identification of Time of Filing

This Information Disclosure Statement

- a. is filed within three months of the filing date of the application.
- b. is filed before the mailing date of a first Office Action on the merits.
- c. is filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- d. is filed after the period specified in 2(a), 2(b) or 2(c) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p).
- e. is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), and (ii) the fee set forth in 37 CFR 1.17(p).

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The undersigned attorney certifies

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- b. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.
- c. The undersigned attorney certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign application patent office in a counterpart foreign application and was not received by any individual designated in 37 CFR 1.56(c) more than thirty (30) days prior to the filing of the statement.

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Previously Cited Information
No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120.

Prior application is Application Number , filed on of for

Concise Explanation
Documents cited above which are not in the English Language

a. have been explained in the specification.
b. have an abstract (or other concise explanation) in English enclosed or if readily available a translation into English of the document is enclosed.

Form PTO-1449 is enclosed in duplicate.

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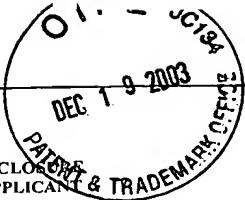
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Substitute for form 144B/PTO

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STATEMENT BY APPLICANT & TRADEMARK OFFICE
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Application Number	10/016,331
Filing Date	November 2, 2001
First Named Inventor	Sabb et al.
Group Art Unit	1624
Examiner Name	B. Coleman

Attorney Docket Number AM100320

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number (If known)	Kind Code (If Known)			
	1.	2002/0107242	A1	American Home Products Corp.	08-08-2002	
	2.	5,834,454	A	Sumitomo Pharmaceuticals Co.	11-10-1998	
	3.	2002/0173503	A1	Bristol-Myers Squibb Pharma	11-21-2002	
	4.	3,714,149		The Upjohn Company	01-30-1973	
	5.	3,417,101		American Home Products Corp.	12-17-1968	
	6.	3,329,676		S.C. Bell et al.	07-04-1967	
	7.	5,045,545		Glaxo Group Ltd.	09-03-1991	
	8.	4,997,831		Glaxo Group Ltd.	03-05-1991	
	9.	3,466,274		Rene R. DeRidder	09-09-1969	
	10.	3,335,134		Sandoz Inc.	08-08-1967	
	11.	3,296,252		Sandoz Inc.	01-03-1967	
	12.	3,235,564		G.D. Searle & Co.	02-15-1966	
	13.	2003/0050300	A1	William W. McWhorter Jr.	03-13-2003	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	Number				
	14.	WO	02/42304	A2	Wyeth	05-30-2002	
	15.	WO	02/059124	A2	Bristol-Myers Squibb Co.	08-01-2002	
	16.	JP	10-237073 (U.S. Equiv. 5,834,454)		Sumitomo Pharmaceuticals	09-08-1998	
	17.	WO	00/77002	A1	DuPont Pharmaceuticals Co.	12-21-2000	
	18.	WO	90/15058	A1	The Upjohn Company	12-13-1990	
	19.	WO	02/059129	A2	Bristol-Myers Squibb Co.	08-01-2002	
	20.	WO	99/67219	A1	Elan Pharmaceuticals, Inc.	12-29-1999	
	21.	WO	99/66934	A1	Elan Pharmaceuticals, Inc.	12-29-1999	
	22.	SU	930902		S. Ordzhonikidze	11-19-1982	
	23.	WO	00/64899	A1	Pharmacia & Upjohn Co.	11-02-2000	
	24.	WO	97/31000	A1	Chiroscience Ltd.	08-28-1997	
	25.	EP	0357417	A1	Glaxo Group Ltd.	03-07-1990	
	26.	EP	0344015	A2	Glaxo Group Ltd.	11-29-1989	
	27.	WO	01/12603	A1	Vernalis Research Ltd.	02-22-2001	
	28.	WO	02/36596	A2	Wyeth	05-10-2002	
	29.	WO	97/30999	A1	Chiroscience Ltd.	08-28-1997	

OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
	30.	P.J. COWEN et al., Nature 376, 557 (August 1995).	<input type="checkbox"/>
	31.	A.J. ROBICHAUD et al., Annual Reports in Medicinal Chemistry, 35, 11-20 (2000).	
	32.	D. HOYER et al., Pharmacology & Experimental Therapeutics 46(2), 157-203 (1994).	
	33.	L. TECOTT et al., Nature, 374, 542-546 (April 1995).	
	34.	D.H. KIM, J. Heterocycl. Chem., 12, 1323-1324 (December 1975).	
	35.	M.J. BISHOP et al., Expert Opin. Ther. Patents, 13(11), 1691-1705 (2003).	
	36.	SHUNJI NARUTO et al., Tetrahedron Letters, 39, 3399-3402 (1975).	

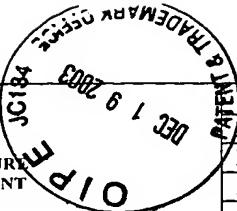
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STATEMENT BY APPLICANT

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	37.	A.N. GRINEV et al., Chem. Heterocycl. Compd., 19(9), 959-961 (1983).	<input type="checkbox"/>
	38.	A.N. GRINEV et al., Chem. Heterocycl. Compd., 19(12), 1312-1315 (1983).	
	39.	E.V. LAMANOVA et al., Pharm. Chem., J., 23(2), 113-115 (1989).	
	40.	D.H. KIM et al., Journal of Medicinal Chemistry, 20(2), 209-212 (1977).	
	41.	L. TOSCANO et al., J. Heterocyclic Chem., 13, 475-480 (1976).	
	42.	A. KATRITZKY et al., Synthesis, 10, 1487-1490 (1998).	
	43.	F. GATTA et al., Edizione Scientifica, 30(8), 631-641 (1975).	
	44.	W. LOPES et al., Journal of Brazilian Chemical Society, 4(1), 34-39 (1993).	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.